

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

AMANDA VALENZUELA,
Plaintiff,

v.

THE UNIVERSITY OF TEXAS
AT AUSTIN
Defendant.

§
§
§
§
§
§
§

Civil Action No. 1:19-cv-01202-RP

**DEFENDANT’S UNOPPOSED MOTION TO EXTEND TIME TO FILE A
RESPONSIVE PLEADING TO PLAINTIFF’S THIRD AMENDED COMPLAINT**

Defendant, The University of Texas at Austin (“Defendant” or “UTAustin”), files this Unopposed Motion to Extend Time to File a Responsive Pleading to Plaintiff’s Third Amended Complaint, and respectfully requests a three-week extension of its deadline to answer or otherwise respond under Federal Rule of Civil Procedure 12. In support, UTAustin respectfully shows:

I. BACKGROUND/PROCEDURAL STATUS

By order dated March 30, 2022 [Dkt. 47], the Court granted Defendants’ Motion to Dismiss Valenzuela’s Second Amended Complaint [Dkt. 27], and further ordered that Plaintiff had until April 28, 2022 to amend her claims subject to limitations outlined by the Court. Plaintiff filed her Third Amended Complaint on April 28, 2022, alleging new facts and causes of action. [Dkt. 48].

II. UNOPPOSED MOTION FOR EXTENSION OF TIME

Under Federal Rule of Civil Procedure 15(a)(3), unless the court orders otherwise, a response to an amended pleading is due 14 days after service. UTAustin’s current deadline to respond to Plaintiff’s April 28, 2022 Third Amended Complaint is May 12, 2022.

In light of newly alleged facts and claims, and pre-existing personal and professional

conflicts on the part of its counsel, UTAustin requests an extension of time until June 3, 2022, in which to file an answer or otherwise respond under Rule 12.

Additional time is required to evaluate the factual allegations, legal claims, and possible defenses, as well as Plaintiff's compliance with the Court's stated limitations on the amended pleading. On UTAustin's initial review of the Third Amended Complaint certain claims may be disposed by a motion filed under Federal Rule of Civil Procedure 12(b). The undersigned counsel requires additional time to evaluate Plaintiff's claims and to adequately prepare such a brief and motion, if appropriate, or to prepare a point-by-point Answer to the recently amended Complaint.

Counsel for UTAustin conferred with counsel for Plaintiff before filing this motion. Plaintiff has represented that he is not opposed to UTAustin's requested extension. This proposed extension is not brought for purpose of delay, but in the interest of justice so that the issues can be properly evaluated and presented to the Court.

WHEREFORE, PREMISES CONSIDERED, Defendant UTAustin respectfully requests that the Court extend its deadline to answer or otherwise respond under Rule 12 to June 3, 2022, and for such other relief to which it is justly entitled.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

SHAWN COWLES
Deputy Attorney General for Civil Litigation

CHRISTOPHER D. HILTON
Chief, General Litigation Division

/s/ Jeffrey E. Farrell
JEFFREY E. FARRELL
Texas Bar No. 00787453
Federal Bar No. 16842
Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
General Litigation Division - 019
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Telephone: (512) 463-2120
Facsimile: (512) 320-0667
jeffrey.farrell@oag.texas.gov

**ATTORNEY-IN-CHARGE FOR DEFENDANT
THE UNIVERSITY OF TEXAS AT AUSTIN**

CERTIFICATE OF CONFERENCE

I hereby certify that on the 11th day of May, 2022, the undersigned counsel contacted Plaintiff's counsel *via* email to discuss the contents of this motion and Plaintiff's counsel indicated that he is unopposed to the motion for extension.

/s/ Jeffrey E. Farrell
Jeffrey E. Farrell
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served through CM/ECF filing, on this the 11th day of May, 2022, upon the following counsel of record:

Keith Altman
33228 West 12 Mile Rd., Suite 375
Farmington Hills, MI 48334

Via email: keithaltman@kaltmanlaw.com

/s/ Jeffrey E. Farrell
Jeffrey E. Farrell
Assistant Attorney General